

TO: All Counsel of Record

PLEASE TAKE NOTICE that, pursuant to the Court's July 31, 2017 Order Preliminarily Approving Settlement and Providing for Notice (ECF No. 75), and the Court's August 1, 2017 Order rescheduling the date of the final settlement hearing (ECF No. 78), on December 6, 2017, at 11:00 am in Courtroom 15D of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007-1312, the Honorable Analisa Torres presiding, Lead Plaintiffs Westchester Putnam Counties Heavy & Highway Local 60 Benefit Funds, Teamsters Local 456 Annuity Fund, and the City of Birmingham Retirement and Relief System ("Lead Plaintiffs"), on behalf of the Settlement Class, will and hereby do, move the Court for (a) final approval of the proposed class action Settlement with Defendants; (b) entry of a Judgment, substantially in the form attached as Exhibit B to the Stipulation, dismissing the Action with

prejudice against Defendants; and (c) approval of the proposed Plan of Allocation for the proceeds of the Settlement.<sup>1</sup>

The motion is based upon the Memorandum of Law in Support of Lead Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement and Approval of Plan of Allocation of Settlement Proceeds; the Declaration of Steven B. Singer in Support of Lead Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement, Approval of Plan of Allocation, and Approval of Lead Plaintiffs' Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses; exhibits thereto; the record and proceedings in this action; and such matters as the Court may consider at the time of the hearing.

Defendants have informed Lead Plaintiffs that they consent to this motion with respect to the final approval of the Settlement, and take no position with respect to the final approval of the Plan of Allocation. Pursuant to the Court's Preliminary Approval Order, the deadline for members of the Settlement Class to file objections, if any, is November 15, 2017.

Dated: November 1, 2017  
New York, New York

Respectfully submitted,

**LAW OFFICES OF CURTIS V. TRINKO,  
LLP**

/s/ Curtis V. Trinko  
Curtis V. Trinko (CT-1838)  
16 West 46th Street, 7th Floor  
New York, NY 10036  
Telephone: (212) 490-9550  
Facsimile: (212) 986-0158  
ctrinko@trinko.com

***Liaison Counsel for Lead Plaintiffs and the  
Class***

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<sup>1</sup> When not defined herein, capitalized terms are defined in the Stipulation and Agreement of Settlement (ECF No. 74, the "Stipulation").

**SAXENA WHITE P.A.**

Steven B. Singer (SS-5212)  
4 West Red Oak Lane, Suite 312  
White Plains, New York 10604  
Telephone: (914) 437-8551  
Facsimile: (888) 631-3611  
ssinger@saxenawhite.com

-and-

Maya Saxena  
Joseph E. White, III (JW-9598)  
Lester R. Hooker  
150 East Palmetto Park Road  
Suite 600  
Boca Raton, FL 33432  
Telephone: (561) 394-3399  
Facsimile: (561) 394-3382  
msaxena@saxenawhite.com  
jwhite@saxenawhite.com  
lhooker@saxenawhite.com

***Lead Counsel for Lead Plaintiffs and the  
Class***

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 1, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all registered users.

/s/ Curtis V. Trinko  
Curtis V. Trinko